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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,238	12/15/2003	Benjamin Englander	P/1123-67	6371
2352	7590	02/24/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			SHAFFER, RICKY D	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/737,238	<b>Applicant(s)</b> ENGLANDER	
	<b>Examiner</b> Ricky D. Shafer	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 15 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/15/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Owens ('896).

Owens discloses a mirror mounting assembly for mounting a mirror on a vehicle bulkhead comprising a mirror element (20), a main support arm (14) having a first end, adjacent connection (22), and a second end, adjacent connection (26), the mirror element being connected to the first end of the main support arm, the second end of the main support arm being mountable to the vehicle via connection (26), at least one bracket (64,68) configured to conform to an engine bay sidewall of the vehicle, the bracket having a vertical portion (68) and a laterally extending flange (64) that extends at an angle from the vertical portion, the flange of the bracket being connectable to the bulkhead of the vehicle in the engine bay, and a first additional support arm (16) having a first end, adjacent connection (28), connected to the bracket and the second end, adjacent connection (18), connected to the main support arm. Note figures 1 to 7 along with the associated description thereof.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Murgas ('883).

Murgas discloses a mirror mounting assembly for mounting a mirror on a vehicle bulkhead comprising a mirror element (10), a main support arm (12,16) having a first end and a second end, adjacent connection (23), the mirror element being connected to the first end of the main support arm, the second end of the main support arm being mountable to the vehicle via

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connection (23), at least one bracket (36) configured to conform to an engine bay sidewall of the vehicle, the bracket having a vertical portion and a laterally extending flange that extends at an angle from the vertical portion, the flange of the bracket being connectable to the bulkhead of the vehicle in the engine bay, a first additional support arm (20) having a first end, adjacent connection (23), connected to the bracket and the second end, adjacent connection (24), connected to the main support arm and a support member (40) being connected to the second lateral flange of the bracket and wherein the main support arm and the first additional support arm is also connected to the support member. Note figures 1 to 3 along with the associated description thereof.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee ('349).

Lee discloses a mirror mounting assembly for mounting a mirror on a vehicle bulkhead comprising a mirror element (12a), a main support arm (21a,76) having a first end, adjacent connection (71), and a second end, adjacent connection (67), the mirror element being connected to the first end of the main support arm, the second end of the main support arm being mountable to the vehicle via connection (67), at least one bracket (31,32) configured to conform to an engine bay sidewall of the vehicle, the bracket having a vertical portion and a laterally extending flange that extends at an angle from the vertical portion (see column 3, lines 10 to 32), the flange of the bracket being connectable to the bulkhead of the vehicle in the engine bay via element (26), and a first additional support arm (23,24) having a first end connected to the bracket and the second end connected to the main support arm, wherein the main support arm has two legs (21a,76) that are at an angle to another. Note figures 1 to 3 and 7 along with the associated description thereof.

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5. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Barker ('122).

Barker discloses a mirror mounting assembly for mounting a mirror on a vehicle bulkhead comprising a mirror element (43), a main support arm (13',30) having a first end, adjacent connection (28), and a second end, adjacent connection (27'), the mirror element being connected to the first end of the main support arm, the second end of the main support arm being mountable to the vehicle via connection (27'), at least one bracket (11) configured to conform to an engine bay sidewall of the vehicle, the bracket having a vertical portion and a laterally extending flange that extends at an angle from the vertical portion (see column 3, lines 44 to 57), the flange of the bracket being connectable to the bulkhead of the vehicle in the engine bay via element (26), and a first additional support arm (13) having a first end connected to the bracket and the second end connected to the main support arm, wherein the main support arm has two legs (13',30) that are at an angle to another. Note figures 1 to 8 along with the associated description thereof.

6. Claims 5, 12, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee ('897).

Lee discloses a mirror mounting assembly for mounting a mirror on a vehicle bulkhead comprising a mirror element (12a), a main support arm (86) having a first end, adjacent connection (71), and a second end, adjacent connection (27), the mirror element being connected to the first end of the main support arm, the second end of the main support arm being mountable to the vehicle via connection (27), a pair of brackets (31, 32) configured to conform to an engine bay sidewall of the vehicle, each bracket having a center portion and two laterally extending flanges that extend at an angle from the center portion in opposite directions, one of the flanges

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of each bracket being connectable to the bulkhead of the vehicle in the engine bay (see column 3, lines 25 to 46), a first additional support arm (23) having a first end connected to a first one of the brackets and a second end connected to the main support arm, a second additional support arm (24) having a first end connected to the main support arm and a second end connectable to the vehicle, a third additional support arm (21) having a first end connected to the main support arm and a second end connectable to the vehicle via element (67), wherein the second end of the main support includes a clip and/or wheel-well bracket (68) to securely engage a wall and/or lip of a wheel well of the vehicle. Note figures 1 to 3 along with the associated description thereof.

7. Claims 5, 6, 12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenfield ('481).

Greenfield discloses a mirror mounting assembly for mounting a mirror on a vehicle bulkhead comprising a mirror element (10), a main support arm (11,18) having a first end, and a second end, adjacent connection (21,22), the mirror element being connected to the first end of the main support arm, the second end of the main support arm being mountable to the vehicle via connection (21,22), a pair of brackets (16X,17X) configured to conform to an engine bay sidewall of the vehicle, each bracket having a center portion and two laterally extending flanges that extend at an angle from the center portion in opposite directions, one of the flanges of each bracket being connectable to the bulkhead of the vehicle in the engine bay, a first additional support arm (16) having a first end connected to a first one of the brackets and a second end connected to the main support arm, a second additional support arm (17) having a first end connected to the main support arm and a second end connectable to the vehicle, and a third additional support arm (36) having a first end connected to the main support arm and a second

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end connectable to the vehicle via element (30), wherein the main support arm has two legs (11,18) that are at an angle to one another, and wherein the second end of the main support arm includes a mounting bracket, a clip and/or wheel-well bracket (20) to securely engage a wall and/or lip of a wheel well of the vehicle. Note figures 1 to 7 along with the associated description thereof.

8. Claims 5, 6, 10, 12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee ('349).

Lee discloses a mirror mounting assembly for mounting a mirror on a vehicle bulkhead comprising a mirror element (12a), a main support arm (21a,76) having a first end, adjacent connection (71), and a second end, adjacent connection (67), the mirror element being connected to the first end of the main support arm, the second end of the main support arm being mountable to the vehicle via connection (67), a pair of brackets (31,32) configured to conform to an engine bay sidewall of the vehicle, each bracket having a center portion and two laterally extending flanges that extend at an angle from the center portion in opposite directions, one of the flanges of each bracket being connectable to the bulkhead of the vehicle in the engine bay (see column 3, line 10-32), a first additional support arm (23) having a first end connected to a first one of the brackets and a second end connected to the main support arm, a second additional support arm (24) having a first end connected to the main support arm and a second end connectable to the vehicle, and a third additional support arm (56) having a first end connected to the main support arm and a second end connectable to the vehicle via element (46), wherein the main support arm has two legs (21a,76) that are at an angle to one another, and wherein the second end of the main support arm includes a mounting bracket, a clip and/or wheel-well

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bracket (68) to securely engage a wall and/or lip of a wheel well of the vehicle. Note figures 1 to 3 and 7 along with the associated description thereof.

9. Claims 5-10, 12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Barker ('122).

Barker discloses a mirror mounting assembly for mounting a mirror on a vehicle bulkhead comprising a mirror element (43), a main support arm (13',30) having a first end, adjacent connection (28), and a second end, adjacent connection (27'), the mirror element being connected to the first end of the main support arm, the second end of the main support arm being mountable to the vehicle via connection (27'), a pair of brackets (11) configured to conform to an engine bay sidewall of the vehicle, each bracket having a center portion and two laterally extending flanges that extend at an angle from the center portion in opposite directions, one of the flanges of each bracket being connectable to the bulkhead of the vehicle in the engine bay, a first additional support arm (13) having a first end connected to a first one of the brackets and a second end connected to the main support arm, a second additional support arm (29) having a first end connected to the main support arm and a second end connectable to the vehicle, and a third additional support arm (15) having a first end connected to the main support arm and a second end connectable to the vehicle via element (13), wherein the main support arm has two legs (13',30) that are at an angle to one another, and wherein the second end of the main support arm is connected to a second one of the brackets or includes a clip and/or wheel-well bracket (31) to securely engage a wall and/or lip of a wheel well of the vehicle. Note figures 1 to 8 along with the associated description thereof.



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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee ('349) or Lee ('897).

Lee ('349) and Lee ('897) each disclose all of the subject matter claimed, note the above explanation, except for explicitly stating that the flanges are at an angle greater than 90 degrees with respect to the center portion of the bracket.

It is well known to use angled Z-type plates/brackets in an analogous art of brackets/supports for the purpose skirting or conforming to a surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the brackets of Lee ('349) or Lee ('897) to include angles greater than 90 degrees, as is commonly used and employed in the bracket/support art, in order to accommodate for a variety of different engine bay walls as depicted by automobile manufacturers.

12. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee ('349) or Greenfield in view of Lee ('897).

Lee ('349) and Greenfield each disclose all of the subject matter claimed, note the above explanation, except for explicitly stating that a fourth additional support arm having a first end connectable to the main support arm in a region of the first end of the main support arm and a

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second end connected to the main support arm in a region of the second end of the main support arm.

Lee ('897) teaches it is well known to use additional support arms/braces in the same field of endeavor for the purpose of reducing vibrations and misadjustments (see column 2, lines 12 to 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mirror element of Lee ('349) or Greenfield to include an additional support arm/brace having a first end connectable to the main support arm in a region of the first end of the main support arm and a second end connected to the main support arm in a region of the second end of the main support arm, as taught by Lee ('897) in see Fig. 3 in order to reduce vibrations and misadjustments of the mirror element.

13. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee ('349) in view of Malachowski ('490).

Lee ('349) discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the bracket has a first flange having a width substantially larger than its length and a second flange the second having a width smaller than the width of the first lateral flange.

Malachowski teaches it is well known to use a bracket has a first flange having a width substantially larger than its length and a second flange the second having a width smaller than the width of the first lateral flange in the same field of endeavor for the purpose of attaching a mirror mounting assembly to a vehicle. (See elements 14 and 41a of Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bracket(s) of Lee ('349) to include a bracket has a first flange having a width substantially larger than its length and a second flange the second having a width smaller than the width of the first lateral flange, as taught by Malachowski in order to increase the force in which the mirror mounting assembly grips the vehicle.

14. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murgas ('883) in view of Malachowski ('490).

Murgas discloses all of the subject matter claimed, note the above explanation, except for explicitly stating that the bracket has a first flange having a width substantially larger than its length and a second flange the second having a width smaller than the width of the first lateral flange.

Malachowski teaches it is well known to use a bracket has a first flange having a width substantially larger than its length and a second flange the second having a width smaller than the width of the first lateral flange in the same field of endeavor for the purpose of attaching a mirror mounting assembly to a vehicle. (See elements 14 and 41a of Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bracket(s) of Murgas to include a bracket has a first flange having a width substantially larger than its length and a second flange the second having a width smaller than the width of the first lateral flange, as taught by Malachowski in order to increase the force in which the mirror mounting assembly grips the vehicle.

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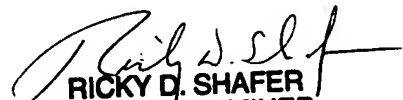
15. Claims 15 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky D. Shafer whose telephone number is (571) 272-2320. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RDS

February 21, 2005

  
RICKY D. SHAFER  
PATENT EXAMINER  
ART UNIT 2872